



Senate

General Assembly

File No. 552

January Session, 2001

Substitute Senate Bill No. 483

Senate, May 2, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL COERCION BY A COACH OR INSTRUCTOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-71 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) A person is guilty of sexual assault in the second degree when
4 such person engages in sexual intercourse with another person and: (1)
5 Such other person is thirteen years of age or older but under sixteen
6 years of age and the actor is more than two years older than such
7 person; or (2) such other person is mentally defective to the extent that
8 such other person is unable to consent to such sexual intercourse; or (3)
9 such other person is physically helpless; or (4) such other person is less
10 than eighteen years old and the actor is such person's guardian or
11 otherwise responsible for the general supervision of such person's
12 welfare; or (5) such other person is in custody of law or detained in a
13 hospital or other institution and the actor has supervisory or

14 disciplinary authority over such other person; or (6) the actor is a
15 psychotherapist and such other person is (A) a patient of the actor and
16 the sexual intercourse occurs during the psychotherapy session, (B) a
17 patient or former patient of the actor and such patient or former
18 patient is emotionally dependent upon the actor, or (C) a patient or
19 former patient of the actor and the sexual intercourse occurs by means
20 of therapeutic deception; or (7) the actor accomplishes the sexual
21 intercourse by means of false representation that the sexual intercourse
22 is for a bona fide medical purpose by a health care professional; or (8)
23 the actor is a school employee and such other person is a student
24 enrolled in a school in which the actor works or a school under the
25 jurisdiction of the local or regional board of education which employs
26 the actor; or (9) the actor occupies a position of special trust in relation
27 to such other person and such other person is under nineteen years of
28 age. For the purposes of subdivision (9) of this subsection, "position of
29 special trust" means a position occupied by a person who (i) is at least
30 fifteen years older than such other person, (ii) provides intensive,
31 ongoing instruction or coaching in an athletic activity, and (iii) by
32 reason of that position, has authority over and is able to exercise undue
33 influence over such other person.

34 (b) Sexual assault in the second degree is a class C felony for which
35 nine months of the sentence imposed may not be suspended or
36 reduced by the court.

37 Sec. 2. Section 53a-73a of the general statutes is repealed and the
38 following is substituted in lieu thereof:

39 (a) A person is guilty of sexual assault in the fourth degree when: (1)
40 Such person intentionally subjects another person to sexual contact
41 who is (A) under fifteen years of age, or (B) mentally defective or
42 mentally incapacitated to the extent that [he] such other person is
43 unable to consent to such sexual contact, or (C) physically helpless, or
44 (D) less than eighteen years old and the actor is such person's guardian

45 or otherwise responsible for the general supervision of such person's
46 welfare, or (E) in custody of law or detained in a hospital or other
47 institution and the actor has supervisory or disciplinary authority over
48 such other person; or (2) such person subjects another person to sexual
49 contact without such other person's consent; or (3) such person
50 engages in sexual contact with an animal or dead body; or (4) such
51 person is a psychotherapist and subjects another person to sexual
52 contact who is (A) a patient of the actor and the sexual contact occurs
53 during the psychotherapy session, or (B) a patient or former patient of
54 the actor and such patient or former patient is emotionally dependent
55 upon the actor, or (C) a patient or former patient of the actor and the
56 sexual contact occurs by means of therapeutic deception; or (5) such
57 person subjects another person to sexual contact and accomplishes the
58 sexual contact by means of false representation that the sexual contact
59 is for a bona fide medical purpose by a health care professional; or (6)
60 such person is a school employee and subjects another person to sexual
61 contact who is a student enrolled in a school in which the actor works
62 or a school under the jurisdiction of the local or regional board of
63 education which employs the actor; or (7) such person subjects another
64 person who is under nineteen years of age to sexual contact and the
65 actor occupies a position of special trust in relation to such other
66 person. For the purposes of subdivision (7) of this subsection, "position
67 of special trust" means a position occupied by a person who (i) is at
68 least fifteen years older than such other person, (ii) provides intensive,
69 ongoing instruction or coaching in an athletic activity, and (iii) by
70 reason of that position, has authority over and is able to exercise undue
71 influence over such other person.

72 (b) Sexual assault in the fourth degree is a class A misdemeanor.

Statement of Legislative Commissioners:

In section 2, the necessary element of subjecting another person to sexual contact was added and the language was rephrased for accuracy.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Minimal Revenue Gain

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

Explanation**State Impact:**

The bill broadens the crimes of 2nd degree sexual assault and 4th degree sexual assault and will likely result in additional costs for criminal justice agencies related to adjudication and punishment. The extent to which offenses under the bill would occur is unknown. However, it should be noted that 2nd degree sexual assault carries a mandatory minimum sentence of nine months and a maximum of ten years imprisonment. Typically, sexual assault crimes yield little or no revenue to the state from fines.¹ Since offenses under the bill may involve atypical offenders, the state could experience an increase in revenue.

¹ The state collected no revenue during the year 2000 for sexual assault in the second and fourth degree, despite 734 offenses that occurred.

OLR Bill Analysis

sSB 483

AN ACT CONCERNING SEXUAL COERCION BY A COACH OR INSTRUCTOR.**SUMMARY:**

This bill makes it a crime for someone who is in a position of special trust with a person under age 19 to engage in sexual intercourse or have sexual contact with that person. Someone is in a position of special trust if he (1) is at least 15 years older than the other person, (2) provides intensive on-going instruction or coaching in athletics, and (3) has authority over and can exercise undue influence over the other person because of it.

The bill makes it second-degree sexual assault to have sexual intercourse with a person under these circumstances. Second-degree sexual assault is punishable by one to 10 years in prison (with a nine month mandatory minimum), a fine of up to \$10,000, or both. It is fourth degree sexual assault to have sexual contact with a person in such circumstances, punishable by up to one year in prison, a fine of up to \$2,000, or both.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0